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OUTCOME OF THE CONFERENCE: DRAFT STATEMENT OF PRINCIPLES AND COMMITMENTS AND GLOBAL PLAN OF ACTION

B. Adequate shelter for all (paras. 43-65)

(Section IV (Global Plan of Action: Strategies for Implementation) of the draft Habitat agenda)

Text submitted by Working Group II on the basis of negotiations held on document A/CONF.165/PC.3/4

B. Adequate shelter for all

1. Introduction

43. Adequate shelter means more than a roof over one's head. It also means adequate privacy; adequate space; physical accessibility; adequate security, including security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water-supply, sanitation and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities; all of which should be available at an affordable cost. Adequacy should be determined together with the people concerned, bearing in mind the prospect for gradual development. Adequacy often varies from country to country, since it depends on specific cultural, social, environmental and economic factors. Gender-specific and age-specific factors, such as the exposure of children and women to toxic substances, should be considered in this context.

44. [Text to be further negotiated]

45. Because it leads to the full mobilization of all potential indigenous resources, a shelter strategy that is based on an enabling approach greatly contributes to the sustainable development of human settlements. The management of such resources must be people-centred and must be environmentally, socially and economically sound. This can only occur if policies and actions in the shelter sector are integrated with policies and actions that are intended to promote (sustainable economic growth and sustainable development) throughout a country. A fundamental objective of this chapter, therefore, is to integrate shelter policies with policies that will guide macroeconomic and social development and sound environmental management.

46. A second fundamental objective of this chapter is to enable markets - the primary housing delivery mechanism - to perform their function with efficiency. Actions to achieve this objective and at the same time contribute to social goals, including, where appropriate, market-based incentives and compensatory measures, are recommended. Further objectives and recommended actions address the components of shelter-delivery systems (land, finance, infrastructure and services, construction, building materials, maintenance and rehabilitation) in the private, community and public rental sectors, and ways of making them better serve all people. Finally, special attention is given to all those, including women, who are at considerable risk because they lack security of tenure or are inhibited from participation in shelter markets. Actions are recommended to reduce their vulnerability and enable them to obtain adequate shelter in a just and humane way.

47. International and national cooperation at all levels will be both necessary and beneficial in promoting adequate shelter for all. This is especially needed in areas that are affected by war or by natural, industrial or technological disasters, and in situations in which reconstruction and rehabilitation needs surpass national resources.

48. [Text to be further negotiated]

49. To integrate [national] shelter policies with macroeconomic, social, demographic and environmental policies, Governments, as appropriate, should:

(a) Establish and implement consultative mechanisms among the governmental authorities that are responsible for economic, environmental, social, human settlements and shelter policies, and the organization of civil society and the private sector so as to coordinate the shelter sector in a coherent manner, which should include identifying the market and precise criteria for allocations, subsidies and other forms of assistance;

(b) Constantly monitor the impact of macroeconomic policies on shelter delivery systems, considering their specific linkages and taking into account their possible effects on vulnerable and disadvantaged groups;

(c) Strengthen the linkages between shelter policies, employment generation, environmental protection, resource mobilization and the maximization of resource efficiency, and strengthen the stimulation of and support for sustainable economic development and social development activities;

(d) Apply public policies, including expenditure, taxation, monetary and planning policies, to stimulate sustainable shelter markets and land development;

(e) Integrate land and shelter policies with policies for reducing poverty and creating jobs, for environmental protection, for education and health, for providing clean water-supplies and sanitation facilities, and for empowering members of disadvantaged and vulnerable groups, particularly people without shelter;

(f) Strengthen shelter-related information systems, and make use of relevant research activities in policy development, including gender-disaggregated data;

(g) Periodically evaluate and, as appropriate, revise shelter policies, taking into consideration the needs of people without shelter and the impact of such policies on the environment, economic development and social welfare.

50. To formulate and implement policies that promote the enablement approach to the development, maintenance and rehabilitation of shelter in both rural and urban areas, Governments at all levels, as appropriate, should:

(a) Employ broad-based participatory and consultative mechanisms that involve representatives from public, private, non-governmental, cooperative and community sectors, including representatives of groups that are considered to be living in poverty, at all levels in the policy development process;

(b) Establish appropriate processes for coordination and decentralization that define clear local-level rights and responsibilities within the policy development process;

(c) Develop and support adequate institutional frameworks, especially for facilitating investment in the supply of both rural and urban shelter by the private sector;

(d) Establish priorities for the allocation of natural, human, technical and financial resources;

(e) Establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels;

(f) Review and adjust, when necessary, the legal, fiscal and regulatory framework to respond to the special needs of the poor and low-income population;

(g) Promote the supply of affordable rental houses and the legal rights and obligations of both tenants and owners.

51. To adopt and implement a cross-sectoral approach to policy development, Governments at appropriate levels, including local authorities, should:

(a) Coordinate and integrate shelter and human settlement policies with other related policies, such as population and human resource development policies, environment, land and infrastructure policies, and urban and rural planning, as well as private and/or public employment initiatives;

(b) [To be further negotiated]

(b bis) [To be further negotiated]

(c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

(d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of the private and public sectors.

52. To improve shelter delivery systems, Governments at appropriate levels should:

(a) Adopt an enabling approach to shelter development, including the renovation, rehabilitation, upgrading and strengthening of the existing housing stock in both rural and urban areas;

(b) Establish priorities for the allocation of natural, human, technical and financial resources;

(c) Develop adequate institutional frameworks for the public, community and private sectors, especially for facilitating investments in the supply of both rural and urban shelter by the private and non-profit sectors;

(d) When necessary, review and adjust the legal, fiscal and regulatory framework to respond to the special needs of vulnerable and disadvantaged groups, the poor and low-income people;

(e) Periodically evaluate and, as necessary, revise policies and systems for financing shelter, taking into consideration the impact of such policies and systems on the environment, economic development and social welfare, especially their different effects on vulnerable and disadvantaged groups;

(f) Promote and adopt, where appropriate, policies that coordinate and encourage the adequate supply of the key inputs required for the construction of housing and infrastructure, such as land, finance and building materials;

(g) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the local building materials industry, based as far as possible on locally available resources;

(h) Promote, where appropriate, the use of labour-intensive construction and maintenance technologies that generate employment in the construction sector for the underemployed labour force found in most large cities, at the same time promoting the development of skills in the construction sector.

3. Shelter delivery systems

(a) Enabling markets to work

53. In many countries, markets serve as the primary housing delivery mechanism, and hence their effectiveness and efficiency are important to the goal of sustainable development. It is the responsibility of Governments to create an enabling framework for a well-functioning housing market. The housing sector should be viewed as an integrating market in which trends in one segment affect performance in other segments. Government interventions are required to address the needs of disadvantaged and vulnerable groups, who are insufficiently served by markets.

Actions

54. To ensure market efficiency, Governments, at the appropriate levels and consistent with their legal authority, should:

(a) Assess housing supply and demand on a gender-disaggregated basis and collect, analyse and disseminate information about housing markets and other delivery mechanisms, and encourage the private and non-profit sectors and the media to do the same, while avoiding duplication of efforts;

(b) Avoid inappropriate interventions that stifle supply and distort demand for housing and services, and periodically review and adjust legal, financial and regulatory frameworks, including frameworks for contracts, land use, building codes and standards;

(c) Employ mechanisms (a body of law, a cadastre, rules for property valuation and others) for the clear definition of property rights;

(d) Permit the exchange of land and housing without undue restriction, and apply procedures that will make property transactions transparent and accountable in order to prevent corrupt practices;

(e) Undertake legislative and administrative reforms in order to give women full and equal access to economic resources, including the right to inheritance and the ownership of land and other property;

(f) Apply appropriate fiscal measures, including taxation, to promote the adequate supply of housing and land;

(g) Periodically assess how best to satisfy the requirement for government intervention to meet the specific needs of the poor and vulnerable groups for whom traditional market mechanisms fail to work;

(h) Develop, as appropriate, flexible instruments for the regulation of housing markets, including the rental market, taking into account the special needs of vulnerable groups.

55. [Text to be further negotiated]

56. To ensure an adequate supply of serviceable land, Governments, at the appropriate levels and in accordance with their legal framework, should:

(a) Recognize and legitimize the diversity of land delivery mechanisms;

(b) Decentralize land management responsibilities and provide local capacity-building programmes that recognize the role of key stake holders, where appropriate;

(c) Prepare comprehensive inventories of publicly held land and, where appropriate, develop programmes for making them available for shelter and human settlements development, including, where appropriate, development by non-governmental and community-based organizations;

(d) Apply transparent, comprehensive, easily accessible and progressive taxation and incentive mechanisms to stimulate the efficient, environmentally sound and equitable use of land, and exploit the full potential of land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities;

(e) Consider fiscal and other measures, as appropriate, to promote the efficient functioning of the vacant land market, ensuring the supply of housing and land for shelter development;

(f) Develop and implement land information systems and practices for managing land, including land value assessment, and seek to ensure that such information is readily available;

(g) Make full use of existing infrastructure in urban areas, encouraging optimal density of the occupation of available serviced land in accordance with its carrying capacity, at the same time ensuring the adequate provision of parks, play areas, common spaces and facilities, and plots of land for home gardening, as appropriate;

(h) Consider the adoption of innovative instruments that capture gains in land value and recover public investments;

(i) Consider the adoption of innovative instruments for the efficient and sustainable assembly and development of land, including, where appropriate, land readjustment and consolidation;

(j) Develop appropriate cadastral systems and streamline land registration procedures in order to facilitate the regularization of informal settlements, where appropriate, and simplify land transactions;

(k) Develop land codes and legal framework that define the nature of land and real property and the rights that are formally recognized;

(l) Mobilize local and regional expertise to promote research, the transfer of technology and education programmes to support land administration systems;

(m) Promote comprehensive rural development through such measures as equal access to land, land improvement, economic diversification, the development of small and medium-scale cities in rural areas, and where appropriate, indigenous land settlements;

(n) Ensure simple procedures for the transfer of land and conversion of land use within the context of a comprehensive policy framework, including the protection of arable land and the environment.

57. To promote efficient land markets and the equitable and environmentally sustainable use of land, Governments, at the appropriate levels, should:

(a) Re-evaluate and, if necessary, periodically adjust planning and building regulatory frameworks, taking into consideration their human settlements and economic, social and environmental policies;

(b) Support the development of land markets by effective legal frameworks, and develop flexible and varied mechanisms aimed at mobilizing lands with diverse juridical status;

(c) Encourage the multiplicity and diversity of intervention of all stakeholders, men and women alike, acting within the market system;

(d) Develop a legal framework of land use to balance the need for construction with the protection of the environment, minimizing risk and diversifying uses;

(e) Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, standards and development regulations.

58. To eradicate legal and social barriers to the [equal and equitable] access to land, especially the access of women, people with disabilities and other vulnerable groups, Governments, at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector and community-based organizations should:

(a) Address the cultural, ethnic, religious, social and disability based causes that result in the creation of barriers that lead to segregation and exclusion, including by encouraging education and training for peaceful conflict resolution;

(b) Promote awareness campaigns, education and enabling practices regarding, in particular, legal rights with respect to tenure, land ownership, tenure and inheritance for women so as to overcome existing barriers;

(c) Review legal and regulatory frameworks, adjusting them to the principles and commitments of the Global Plan of Action and ensuring that the equal rights of women and men are clearly specified and enforced;

(d) Develop regularization programmes and formulate and implement such programmes and projects in consultation with the concerned population and organized groups, ensuring the full and equal participation of women and taking into account the needs differentiated by gender, age, disability and vulnerability;

(e) Support, inter alia, community projects, policies and programmes that aim to remove all barriers to women's access to affordable housing, land and property ownership, economic resources, infrastructure and social services, and ensure the full participation of women in all decision-making processes, with particular regard to women in poverty, especially female heads of households and women who are sole providers for their families;

(f) Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the [equal] right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technologies;

(g) Promote mechanisms for the protection of women who risk losing their homes and properties when their husbands die.

59. To facilitate access to land and security of tenure for all socio-economic groups, Governments, at the appropriate levels, including local authorities, should:

(a) Adopt an enabling legal and regulatory framework based on an enhanced knowledge, understanding and acceptance of existing practices and land delivery mechanisms so as to stimulate partnerships with the private business and community sectors, specifying recognized types of land tenure and prescribing procedures for the regularization of tenure, where needed;

(b) Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions, and current and planned land use;

(c) Explore innovative arrangements to enhance the security of tenure, other than full legalization, which may be too costly and time-consuming in certain situations, including access to credit, as appropriate, in the absence of a conventional title;

(d) Promote measures to ensure that women have equal access to credit for buying, leasing or renting land, and equal protection for the legal security of tenure of such land;

(e) Capitalize on the potential contribution of key stakeholders in the private formal and informal sectors, and support the engagement of non-governmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution;

(f) Encourage particularly the participation of community and non-governmental organizations, by:

(i) Reviewing and adjusting legal and regulatory frameworks in order to recognize and stimulate the diverse forms of organization of the population engaged in land, housing and services production and management;

(ii) Considering financial systems that recognize organizations as credit holders, extend credit to collective units backed by collective collateral, and introduce financial procedures that are adapted to the needs of housing production by the people themselves and to the modalities through which the population generates income and savings;

(iii) Developing and implementing complementary measures designed to enhance their capabilities, including, where appropriate, fiscal support, educational and training programmes, technical assistance and funds in support of technological innovation;

(iv) Supporting the capacity-building and accumulation of experience carried out by non-governmental organizations and peoples' organizations in order to make them efficient and competent partners in the implementation of national housing plans of action;

(v) Encouraging lending institutions to recognize that community-based organizations may act as guarantors for those who, due to poverty or discrimination, lack other sources of equity, giving particular attention to the needs of individual women.

59 bis. Facilitating community-based production of housing: in many countries, particularly developing countries, more than half the existing housing stock has been built by the owner-occupiers themselves, serving mainly the lower-income population. Self-built housing will continue to play a major role in housing

provision into the distant future. Many countries are supporting self-built housing through regularization and upgrading programmes. To support the efforts of people, individually or collectively, to produce shelter, Governments at the appropriate levels should, where appropriate:

(a) Promote self-built housing within the context of a comprehensive land use policy;

(b) Integrate and regularize self-built housing, especially through appropriate land registration programmes, as a holistic part of the overall housing and infrastructure system in urban and rural areas, subject to a comprehensive land use policy;

(c) Encourage efforts to improve existing self-built housing through better access to housing resources, including land, finance and building materials;

(d) Develop means and methods to improve the standards of self-built housing;

(e) Encourage community-based and non-governmental organizations in their role of assisting and facilitating the production of self-built housing;

(f) Facilitate regular dialogue and gender-sensitive participation of the various actors involved in housing production at all levels and stages of decision-making.

60. Housing finance institutions serve the conventional market but do not always respond adequately to the different needs of large segments of the population, particularly vulnerable and disadvantaged groups, the poor and low-income people. In order to mobilize more domestic and international resources for housing finance and extend credit to more households it is necessary to integrate housing finance into the broader financial system and to use existing instruments or develop new instruments, as appropriate, to address the financial needs of people having limited or no access to credit.

61. To improve the effectiveness of existing housing finance systems, Governments, at the appropriate levels, should:

(a) Adopt policies that increase the mobilization of housing finance and extend more credit to people living in poverty, while maintaining the solvency of credit systems;

(b) Strengthen the effectiveness of existing housing finance systems;

(c) Enhance the accessibility of housing finance systems and eradicate all forms of discrimination against borrowers;

(d) Promote transparency, accountability and ethical practices in financial transactions through support by effective legal and regulatory frameworks;

(e) Establish, where necessary, a comprehensive and detailed body of property law and property rights, and enforce foreclosure laws to facilitate private-sector participation;

(f) Encourage the private sector to mobilize resources to meet varying housing demands, including rental housing, maintenance and rehabilitation;

(g) Support the competitiveness of mortgage markets and, where appropriate, facilitate the development of secondary markets and securitization;

(h) Decentralize, as appropriate, their lending operations, and encourage the private sector to do the same in order to provide greater physical access to credit, especially in rural areas;

(i) Encourage all lending institutions to improve their management and efficiency of operations;

(j) Encourage community mortgage programmes that are accessible to people living in poverty, especially women, in order to increase their productive capacity by providing them with access to capital, resources, credit, land, technology and information so that they can raise their income and improve their living conditions and status within the household.

62. To create new housing finance mechanisms, as necessary, Governments, at the appropriate levels, should:

(a) Harness the potential of non-traditional financing arrangements by encouraging communities to form housing and multi-purpose community development cooperatives, especially for the provision of low-cost housing;

(b) Review and strengthen the legal and regulatory framework and institutional base for mobilizing non-traditional lenders;

(c) Encourage, in particular by removing legal and administrative obstacles, the expansion of savings and credit cooperatives, credit unions, cooperative banks and cooperative insurance enterprises, and other non-bank financial institutions, and establish savings mechanisms in the informal sector, particularly for women;

(d) Support partnerships between such cooperative institutions and public financing institutions as an effective means of mobilizing local capital and applying it to local entrepreneurial and community activity for housing and infrastructure development;

(e) Facilitate the efforts of trade unions, farmers', women's and consumers' organizations, organizations of people with disabilities, and other associations of the populations concerned to set up their own cooperatively organized or local financial institutions and mechanisms;

(f) Promote the exchange of information on innovations in housing finance;

(g) Support non-governmental organizations and their capacity to foster the development, where appropriate, of small savings cooperatives.

63. To facilitate access to housing for those not served by existing finance mechanisms, Governments should review and rationalize, where appropriate, systems of subsidies by policies that will ensure their viability, [equity] and transparency, thus allowing many people without access to credit and land to enter the market.

64. Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces, among others. The lack of adequate basic services, a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for the urban and rural poor. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards. Their capacity to manage, operate and maintain infrastructure and basic services must be supported by national Governments. There are, however, a host of other actors, including the private sector, communities and non-governmental organizations, who can participate in service provision and management under the coordination of Governments at the appropriate levels, including local authorities.

65. To safeguard the health, safety, welfare, and improved living environment of all people and to provide adequate and affordable basic infrastructure and services, Governments at all appropriate levels, including local authorities, should promote:

(a) The supply of and access to adequate quantities of safe drinking water;

(b) Adequate sanitation and waste management;

(c) Adequate mobility through access to affordable and physically accessible public transport and other communications facilities;

(d) The provision of social services, especially for underserved groups and communities;

(e) Access to community facilities, including places of worship;

(f) Access to sustainable sources of energy;

(g) Environmentally sound technologies and planning provision and maintenance of infrastructure, including roads, streets, parks and open spaces;

(h) A high level of safety and public security;

(i) The use of a variety of planning mechanisms that provide for meaningful participation to reduce the negative impacts on biological resources,

such as prime agricultural land and forests, that may arise from human settlements activities;

(j) Planning and implementation systems that integrate all of the above factors into the design and operation of sustainable human settlements.